IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 31ST MAY 2007 / 10TH JYAISHTA 1929

WP(C).No. 11998 of 2005(C)

OS.11/2001 of MUSNIFF COURT,ADOOR
.....

PETITIONER:

K.C.THOMAS, S/O.K.C.CHACKO,
KATTOOR THEKKETHIL, KANNAMCODE MURI,
ADOOR VILLAGE.

BY ADV. SRI.SUNIL JACOB JOSE

RESPONDENTS:
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1. THARIYAN JOY, PLAMUTTATHU PUTHEN VEEDU,
MOONNALAM MURI, ADOOR VILLAGE.

2. K.KUNJAPPY, RAJ VILLA,
MOONNALAM MURI, ADOOR VILLAGE.

3. SURESH, VALLIVILA VADAKKETHIL,
MOONNALAM MURI, ADOOR VILLAGE.

4. FR.ABRAHAM MANIKKAROTTU,
MANIKKAROTTU VEEDU, KOONNAMANKARA MURI,
ADOOR VILLAGE.

BY ADV. SRI.V.GIRI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 31/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 11998/2005 C

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE NOTICE DT. 10/12/04 PUBLISHED IN MANGALAM DAILY.

EXT.P2. COPY OF THE APPLICATION DT. 15/12/2004 FILED BY THE PETITIONER.

EXT.P3. COPY OF THE ORDER DT. 14/1/2005.

True copy

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PIUS C. KURIAKOSE,J.

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W.P.(C) No.11998 of 2005

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Dated: 31st May, 2007

JUDGMENT

Heard both sides. I do not find any warrant for interfering with Ext.P3 order passed by the learned Munsiff on an application for impleadment filed by the petitioner. The suit was filed in respect of a pathway and during the pendency of the suit it appears that a settlement was arrived at between the parties and the petitioner on coming to know that there is a proposal to have the suit withdrawn sought his impleadment on the basis that he wants to pursue the suit. The learned Munsiff dismissed the application mainly on the reason that in the affidavit filed in support of the application nothing is stated as to what the right claimed by the petitioner. It cannot be said that the view taken by the learned Munsiff is tainted by infirmities warranting correction by this court in visitorial jurisdiction under Article 227 of the Constitution. The Writ Petition will stand dismissed. However it is made clear that the confirmation of Ext.P3 will not stand in the way of the petitioner instituting a suit on genuine cause of action, if any, which he is having in respect of the pathway in question.

srd **PIUS C.KURIAKOSE, JUDGE**